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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/606,392
Filing Date: June 25, 2003
Appellant(s): KERN ET AL.

Kelvin M. Vivian,
Registration No. 53,727
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/14/07 appealing from the Office action mailed 7/31/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Patent Publication 2004/0181601 by Sakthikumar

U.S. Patent Publication No. 2002/0124114 by BOTTOM ET AL

6975581 MEDINA ET AL 12-2005

U.S. Patent Publication No. 2003/0033517 by RUTHERGLEN ET AL

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 36; 22, 23; 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 20040181601 by Sakthikumar ("Sakt") in view of U.S. Patent Publication No. 20020124114 by Bottom et al.

Regarding claims 1, 22, 40; the Sakthukumar reference teaches the method, system, and computer readable medium for providing access between a storage drive and a plurality of blade servers (Sakt: page 1-2, para 20 and 30), the method comprising:

configuring the plurality of blade servers to simultaneously connect with the storage drive wherein the plurality of blade servers is managed by a management system (Sakt: page 2, para 31, 33-34), and the storage drive is coupled to the management system (Sakt: page 2, para 29); and

each blade server of the plurality of blade servers routing data packets between the management system and the blade server (Sakt: page 2, para 31, 33-35); and

the management system managing access of the plurality of blade servers to the storage drive including routing the data packets received from the plurality of blade servers to the storage drive (Sakt: page 2, para 31, 33-35).

The Sakt reference fails to state simultaneous access.

However, the Bottom reference teaches a plurality of blade servers in communication with simultaneous access to a network (Bottom: page 2, para 21) in order to provide and allow scalable blades access to the network while ensuring quality control access control (Bottom: page 2, para 22; page 1, para 8).

It would have been obvious to one of ordinary skill in the art to create the method of providing access as taught by Sakt to include simultaneous access as taught by Bottom in order to provide and allow scalable blades access to the network while ensuring quality control access control (Bottom: page 2, para 22; page 1, para 8).

Regarding claims 36, 23, 41; wherein configuring the plurality of blade servers to simultaneously connect with the storage drive includes configuring each of the plurality of blade servers to have a separate interface for communicating with the storage drive (Bottom: page 2, para 21-22).

Claims 37 and 38; 24,25; 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 20040181601 by Sakthikumar ("Sakt") in view of U.S. Patent Publication No. 20020124114 by Bottom et al in further view of U.S. Patent No. 6,975,581 by Medina et al.

Regarding claims 37, 24, 42; the modified Sakt reference teaches the method, system, and computer readable medium, wherein each blade server of the plurality of blade servers simultaneously routing data packets between the management system and the blade server includes each blade server routing data packets to and from the management system (Sakt: page 2, para 31, 33-35; Bottom: page 2, para 21).

The modified Sakt reference fails to state the VLAN protocol.

However, the Medina reference teaches using the Virtual Local Area Network (VLAN) protocol (Medina: col. 1, lines 45-51) in order to group the blade servers together and allow those servers to communicate with each other in virtual LANs (Medina: col. 1, lines 26-60).

It would have been obvious to one of ordinary skill in the art to create the method of providing access as taught by the modified Sakt to include VLANs as taught by Medina in order to group the blade servers together and allow those servers to communicate with each other in virtual LANs (Medina: col. 1, lines 26-60).

Regarding claims 38, 24, 43; wherein the storage drive is one of a diskette drive or a CDROM drive (Sakt: page 2, para 31).

Claims 39 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 20040181601 by Sakthikumar ("Sakt") in view of U.S. Patent Publication No. 20020124114 by Bottom et al in further view of U.S. Patent No. 6,975,581 by Medina et al in further view of U.S. Patent Publication 20030033517 by Rutherglen et al.

Regarding claims 39, 44, the modified Sakt reference teaches, wherein:

the storage drive is a remote storage drive relative to the management system, the remote storage drive being coupled to a remote system that is in communication with the management system through a network (Sakt: page 2, para 31; Fig. 1).

The Sakt reference fails to teach using an applet.

However, the Rutherglen reference teaches using an applet to establish a connection between the remote storage drive and each blade server of the plurality of blade servers (Rutherglen: page 5, para 37-38) in order to make a secure connection between endpoints (Rutherglen: page 1, para 6).

It would have been obvious to one of ordinary skill in the art to create the method of providing access as taught by the modified Sakt to include applets to make

connections as taught by Rutherglen in order to make a secure connection between endpoints (Rutherglen: page 1, para 6).

(10) Response to Argument

The main disagreement between the appellant and the examiner center around the definition of the phrase 'simultaneous access.' The appellant broadly claims providing 'simultaneous access' without an explicit definition in the claims. Therefore the examiner has consulted appellant's specification for further definition and clarification. The specification is vague on how 'simultaneous access' is provided merely reciting the idea without explicit definition from a device or feature. Applicant is arguing the claimed limitation as the most novel and distinguishing idea of the invention without sufficient support or disclosure of the device that embodies and performs the feature. To one of ordinary skill in the art, simultaneous access is interpreted to show simultaneous connections (page 6, line 2) or shared access (page 5, line 20 and again on page 9, para 2), a notation that is repeated in appellant's specification. The examiner maintains that the interpretation of the broad phrase 'simultaneous access' is sufficient to preclude patentability as claimed and defined by appellant.

A. Applicant argues the Sakthukumar (herein after "Sakt") fails to disclose a management system managing simultaneous access of a plurality of blade servers to a storage drive.

In response, the examiner respectfully submits:

The Sakthukumar reference teaches the method, system, and computer readable medium for providing access between a storage drive and a plurality of blade servers (Sakt: page 1-2, para 20 and 30), comprising:

configuring the plurality of blade servers to simultaneously connect with the storage drive wherein the plurality of blade servers is managed by a management

system (Sakt: page 2, para 31, 33-34), and the storage drive is coupled to the management system (Sakt: page 2, para 29); and

each blade server of the plurality of blade servers routing data packets between the management system and the blade server (Sakt: page 2, para 31, 33-35); and

the management system managing access of the plurality of blade servers to the storage drive including routing the data packets received from the plurality of blade servers to the storage drive (Sakt: page 2, para 31, 33-35).

The Sakt reference fails to state simultaneous access but does teach shared access accomplishing substantially the same functions as "simultaneous access."

The Bottom reference is relied upon to reinforce the rejection that it would have been obvious to one of ordinary skill in the art to create the method of providing shared access as taught by Sakt to include simultaneous access as taught by Bottom in order to provide and allow scalable blades access to the network while ensuring quality control access control (Bottom: page 2, para 22; page 1, para 8).

The Sakt reference is relied upon to teach all the argued features minus the explicit disclosure of 'simultaneous access.'

B. Applicant argues the Bottom fails to disclose a management system managing simultaneous access of a plurality of blade servers to a storage drive.

In response, the examiner respectfully submits:

The Sakthukumar reference is relied upon to teach a management system managing access of a plurality of blade servers to a storage drive (Sakt: Page 2, para 31, 33-35).

The Sakt reference is relied upon to teach "shared access" but does not explicitly state "simultaneous access."

However, the Bottom reference teaches a plurality of blade servers in communication with simultaneous access to a network (Bottom: page 2, para 21). The Bottom reference teaches a similar networked computer architecture as Sakt utilizing blade servers connected to a midplane to access the network.

Bottom teaches "simultaneous access" in the broad definition of the phrase. Appellant interprets the claim limitation to have a different definition of 'simultaneous access.' Appellant argues that the claimed invention avoids interruption and disconnection from devices thus allowing simultaneous access (citing the background of the specification). Such definition is inconsistent with appellant's specification that does not teach anything specific nor is a notation from the background of the specification taken to be an explicit definition of a phrase. Appellant's instant specification page 5, line 20 and again on page 9, para 2 teaches the management system manages 'shared access' to the drive. This is consistent with the examiners interpretation and the Sakt reference which explicitly states shared access (Sakt: page 2, para 30, 33).

The Bottom references teach 'simultaneous access' in the sense that the blade servers are always connected to the shared drive through the midplane. "The midplane provides a common interconnect for all modules connected thereto, including server blades and media blades" (Bottom: page 2, para 21, 27). Bottom maintains this design and does not teach the alleged features of disconnecting and interrupting connects as argued by appellant.

The shared access as taught by Sakt including the simultaneous access as taught by Bottom renders appellant's claim limitation of 'simultaneous access' unpatentable as interpreted by one of ordinary skill in the art at the time of the invention.

Appellant fails to further define 'simultaneous access' over the prior art. There are no definitions that would give one the interpretation for example that two or more devices are reading and writing to a storage device at the same time. It is an acceptable interpretation to interpret 'simultaneous access' to mean simultaneous connections or shared access as illustrated through applicant's specification. The mere argument the instant invention improves upon the art to reduce disconnections is not claimed nor reflected in the claims. The Bottom reference is sufficient for the broad claim limitations and does not state only 'one blade server can access a given storage device at one time' as argued without a mapping to the reference by appellant.

C. The examiner has failed to establish a prima facie case of obviousness.

In response, the examiner respectfully submits:

The Sakt and Bottom reference in combination teach the claimed invention.

The Sakt reference teaches the management system but fails to state simultaneous access.

However, the Bottom reference teaches a plurality of blade servers in communication with simultaneous access to a network (Bottom: page 2, para 21) in order to provide and allow scalable blades access to the network while ensuring quality control access control (Bottom: page 2, para 22; page 1, para 8).

It would have been obvious to one of ordinary skill in the art to create the method of providing access as taught by Sakt to include simultaneous access as taught by Bottom in order to provide and allow scalable blades access to the network while ensuring quality control access control (Bottom: page 2, para 22; page 1, para 8).

Both references are of the same field of endeavor, computer networks with access, and provide a reasonable motivation to combine.

D. Applicant argues the Medina reference fails to teach a management system managing simultaneous access of a plurality of blade servers to a storage drive and no prima facie case of obvious has been made.

In response, the examiner respectfully submits:

The examiner maintains the rejection has being address above with respect to arguments A, B and C and there are no separate argument pertaining to patentability made.

E. Applicant argues the Rutherglen reference fails to teach a management system managing simultaneous access of a plurality of blade servers to a storage drive and no prima facie case of obvious has been made.

In response, the examiner respectfully submits:

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The examiner maintains the rejection has being address above with respect to arguments A, B and C and there are no separate argument pertaining to patentability made.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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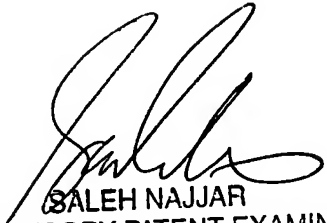
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/ Benjamin Bruckart /
B. R. Bruckart

Conferees:

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